

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH JAIPUR.

D.B. CIVIL WRIT PETITION NO.3941/2007

Smt.Omvati Yadav W/o Sh.Virendra Singh, age
around 51 years, R/o Vaishali Nagar, Jaipur.

.....Petitioner

Versus

1. Central Administrative Tribunal, through
its Dy.Registrar, Jaipur Bench, Jaipur.

2. Commissioner, Kendriya Vidhyalaya
Sanghatan, 18, Institutional Area, Shaheed
Jeet Singh Marg, New Delhi.

3. Assistant Commissioner, Kendriya Vidhyalaya
Sanghatan, Regional Office, 92, Gandhi
Nagar, Jaipur.

.....Respondents

Date of Order:-

July 10th, 2007.

PRESENT

HON'BLE MR.JUSTICE R.M. LODHA

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Amit Nath Mathur for the petitioner.

Oral Order:- (Per R.M. Lodha, J.)

The transfer of an employee is always an incident of service and not its condition. By the order dated 16/4/2007, the petitioner have been transferred from KV No.5 Jaipur (2nd shift) to KV Nasirabad. This order came to be challenged by the petitioner before the Central Administrative Tribunal unsuccessfully and now the writ petition.

2. Counsel for the petitioner submitted that the order of transfer dated 16/4/2007 came to be issued to accommodate one Mr.R.K. Bhakhar and, therefore, it cannot be said that the petitioner's transfer was in public interest.

3. We are not persuaded by the submission. Merely because the transfer order

of Mr.R.K. Bhakhar was cancelled by the order dated 16/4/2007, it cannot be held that since on the same day the transfer order of the petitioner was issued, it was so done to accommodate Mr.R.K. Bhakhar. The Tribunal in the facts and circumstances cannot be said to have erred in holding that petitioner failed to establish that the order of transfer was issued malafide. Legal position is no more *res-integra* that judicial review of transfer order is available broadly on two grounds namely; (one) that the order of transfer is vitiated by malafides and (two) that the order of transfer has been made in violation of the statutory provisions. The order of transfer dated 16/4/2007 whereby the petitioner has been transferred from Jaipur to Nasirabad does not suffer from any of the aforesaid two devices.

4. Writ petition has no merit. Dismissed
in limine.

MOHAMMAD RAFIQ, J.

R.M. LODHA, J.

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Bench, Jaipur and ors.

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Whether this judgment / order is to
be reported in Law Journal/s : Yes/No